

**Nonconforming Lots.**

- (A) **Use of Nonconforming Lots.** If a lot was recorded prior to the effective date of this Zoning Ordinance, or is hereafter created in conformity with Section 1-103(H), and such lot met the requirements of the Zoning Ordinance in effect at the time of recordation, or complies with Section 1-103(H), then such lot may be used for any use permitted in the Zoning District in which it is located even though ~~the lot it~~ does not meet the lot area, ~~access and/or lot width~~ requirements of the district, provided all the other regulations of this Ordinance can be satisfied.
- (B) **Establishment of Nonconforming Lot Prohibited.** A lot may only be established after the effective date of this Ordinance, if such lot conforms with all requirements of this Ordinance except as follows:
- (1) A lot not meeting lot area requirements of the zoning district is created by the subdivision of a previously existing split zoned lot along the existing zoning district line, and the lot meets all other ordinance requirements;
  - (2) A lot is created for use by LCSA, VDOT, municipal utilities, public utilities as defined in Section 56-232 of the Virginia State Code, or public service corporations as defined in Section 56-1 of the Virginia State Code and meets the requirements of Section 5-621; or
  - (3) An "outlot" is designated on a subdivision plat as open space. No habitable structures shall be built upon an "outlot".
- (C) **Boundary Line Adjustments.** Notwithstanding the provisions of paragraph (B) above, boundary line adjustments may be permitted between nonconforming lots, or between a conforming and a nonconforming lot, ~~provided the Zoning Administrator finds that the degree of nonconformity for any lot resulting from such boundary line adjustment is not increased due to such adjustment.~~ provided that the resulting lot(s) meets the minimum lot area in effect at the time that the lot was created. In addition, ~~the Zoning Administrator shall find that a boundary line adjustment does not increase nonconformity and is permitted where the number of residential units~~

ZORC 9/7/05

~~allowable on each affected lot with the boundary line adjustment is no greater than the number without the boundary line adjustment, and the boundary line adjustment satisfies one of the following conditions: (1) it makes it possible to rectify a septic system or well failure by providing space for a replacement septic system or well that meets all applicable standards; (2) it incorporates acreage into a lot that is subject to a permanent conservation easement, with the new acreage added to the protected easement area; or (3) it allows any existing nonconforming lot to meet the twenty acre minimum lot size in the AR-1 zoning district or the fifty acre minimum lot size in the AR-2 zoning district.~~

- (D) **Highway Realignment or Condemnation.** Any lot, which by reason of realignment of a Federal or State highway or by reason of condemnation proceedings, has been reduced in size to an area less than that required by law, shall be considered a nonconforming lot of record subject to the provisions set forth in Section 1 404(A); and any lawful use or structure existing at the time of such highway realignment or condemnation proceedings which would thereafter no longer be permitted under the terms of this Ordinance shall be considered a nonconforming use or structure as that term is used in this Ordinance.